

REMARKS

Claims 1-2, 4-11, 14-26, and 29-30 are pending in the application.

Reconsideration and withdrawal of the rejections are respectfully requested in view of the following remarks.

Rejections Under 35 U.S.C. § 103

A. Burton in view of Sullivan and John

Claims 1, 2, 4, 6-11 and 14-20 were rejected under 35 U.S.C. 103(a) as being unpatentable Burton in view of Sullivan and John.

Claims 1, 8, 14, and 17 were previously amended to recite a forehead support and laterally extending support bar extending from a mask body and adapted to contact a forehead surface of a patient during use, the forehead support having a plurality of sensors located thereon for detecting electrophysiological signals of the patient wherein the support bar is connected to the forehead support and extends in generally lateral directions from the forehead support to define a pair of sensor sites, with one of the pair of sensor sites being proximate to a FP1 standard electrode placement position of said patient and the other of the pair of sensor sites being proximate to a FP2 standard electrode placement position of said patient. Additionally, a pair of EEG sensors is provided, with one of the pair of EEG sensors being held by the support bar at said FP1 standard electrode placement position and the other of the pair of EEG sensors being held by the support bar at said FP2 standard electrode placement position.

These features are not taught or suggested by the combination of Burton, Sullivan and John. Therefore, claims 1, 8, 14, and 17 are not obvious the combination. Claims 2 - 7 are dependent on claim 1; claims 9-11 are dependent on claim 8; claims 15, 24, 25, 29 and 30 are dependent on claim 14; and claims 18-20 are dependent on claim 17. Therefore, claims 2-7, 9-11, 15, 18-20, 24, 25, 29 and 30 are also not obvious over Burton, Sullivan and John.

Burton does not disclose a mask having sensors.

Sullivan does not disclose a mask having sensors.

John does not disclose a mask.

Even if proper, the combination of Burton, Sullivan and John would at most yield a mask used in conjunction with the EEG electrodes of John. As Burton and Sullivan do not teach a mask integrated with sensors, there is no teaching, suggestion or motivation to integrate the EEG electrodes of John *into a mask* as taught by Sullivan.

Additionally, Sullivan does not disclose or suggest a support bar connected to the forehead support that extends in generally lateral directions from the forehead support to define a pair of sensor sites, with one of the pair of sensor sites being proximate to a FP1 standard electrode placement position of said patient and the other of the pair of sensor sites being proximate to a FP2 standard electrode placement position of said patient.

Further, in the prior response Claim 14 had been amended to include the limitation of leads attached to said pair of EEG sensors passing through an aperture of said support bar and along said external surface of said mask body. The Examiner has offered no reason why the lead/aperture limitation is obvious in view of the prior art.

The combination of Burton, Sullivan and John even if proper, would fail to yield the indicated claim limitations. Consequently, the Applicant respectfully requests that the rejections of claims 1, 2, 4, 6-11 and 14-20 be withdrawn.

B. Burton in view of Sullivan, John and Miles

Claims 23-26 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Sullivan and John and in further view of Miles.

Claims 14 and 17 were previously amended as indicated above to include features not taught or suggested by Burton in combination with Sullivan, John and Miles. Claims 23 - 26 and 29 are dependent on claims 14 and 17. Therefore, claims 23-26 and 29 are not obvious over Burton in combination with Sullivan, John and Miles and in view of the arguments presented

above. Consequently, the Applicant respectfully requests that the rejections of claims 23-26 and 29 be withdrawn.

C. Burton in view of Sullivan and John and further in view of Cui et al.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Sullivan and John and further in view of Brown.

Claim 1 has been amended as indicated above to include features not taught or suggested by Burton in combination with Sullivan, Miles and Brown. Claim 5 is dependent on claim 1. Therefore, claim 5 is not obvious over Burton in view of Sullivan, John and Brown and in view of the arguments presented above.

Consequently, the Applicant respectfully requests that the rejection of claim 5 be withdrawn.

D. Burton in view of Sullivan and John and further in view of Cui et al.

Claims 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Sullivan and John and further in view of Cui et al.

Claim 17 has been amended as indicated above to include features not taught or suggested by Burton in combination with Sullivan, Miles and Cui et al. Claims 21 and 22 are dependent on claim 17. Therefore, claims 21 and 22 are not obvious over Burton in view of Sullivan, John and Cui et al. and in view of the arguments presented above.

Consequently, the Applicant respectfully requests that the rejections of claims 21 and 22 be withdrawn.

E. Burton in view of Sullivan and John and further in view of Tripp

Claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Sullivan and John and further in view of Tripp.

Claim 14 has been amended as indicated above to recite limitations not taught or suggested by Burton in combination with Sullivan, John and Tripp. Claim 30 is dependent on

claim 14. Therefore, claim 30 is not obvious over Burton in view of Sullivan and John and Tripp for the reasons indicated above.

Consequently, the Applicant respectfully requests that the rejection of claim 30 be withdrawn.

Conclusion

In view of the above, applicant believes the pending application is in condition for allowance. Reconsideration and allowance of the pending claims are respectfully requested.

Dated: _____

Aug 17, 2009

Respectfully submitted,

By: _____

John F. Klos

John F. Klos
Registration No.: 37,162
Briggs and Morgan, P.A.
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 977-8229
(612) 977-8650 (Fax)
Attorneys for Applicant